

12/10/07  
(Special Meeting)

ORDINANCE NO. \_\_\_\_-07

INTRODUCED BY: **SCOTT M. TUMA**

AN ORDINANCE AUTHORIZING THE DISSOLUTION OF THE HERITAGE MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AND AUTHORIZING THE EXECUTION, DELIVERY, FILING AND PERFORMANCE OF DOCUMENTS, AND THE TAKING OF FURTHER ACTIONS, IN CONNECTION THEREWITH AND IN CONNECTION WITH THE TERMINATION OF A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Parma, Ohio (the "City"), in accordance with Ordinance No. 128-03 passed by the Council of the City on June 23, 2003 (the "TIF Ordinance"), (1) determined that a certain development project (the "Project") on certain real property within the City (the "Project Site") would place direct, additional demand on the City's storm water drainage system, (2) determined to pay for a portion of the cost of a storm sewer and detention basin (the "Public Infrastructure Improvements") on a portion of the Project Site, (3) determined to utilize the increase in assessed value of the Project Site as a result of the development thereof (the "Improvements") to pay the costs of, or to finance, the Public Infrastructure Improvements, (4) declared the Public Infrastructure Improvements to be a public purpose of Section 5709.40 and 5709.42 of the Ohio Revised Code, (5) declared seventy-five (75%) of the Improvements to be exempt from real property taxation for a period ending on the earlier of December 31, 2013 or the date the Public Infrastructure Improvements are paid in full from payments in lieu of said exempt taxes ("PILOTS") pursuant to Section 5709.42 of the Ohio Revised Code, (6) established the Heritage Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") for the deposit of the PILOTS, (7) provided for the use of the PILOTS to pay the costs of, or to pay the debt service on bonds issued by the City for the purpose of paying costs of, the Public Infrastructure Improvements, and (8) authored the Mayor to enter into a Tax Increment Financing Agreement ("TIF Agreement") with the developer of the Project to provide for the aforesaid exemption and PILOTS and the payment of the amounts deposited in the Fund; and

WHEREAS, the Fund has received PILOTS in sufficient amounts to pay in full the City's portion of costs of the Public Infrastructure Improvements, and the City desires to dissolve the Fund;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma, Cuyahoga County, Ohio:

Section 1. After payment from the Fund of the City's portion of all costs associated with the Public Infrastructure Improvements, the Fund shall be dissolved and, in accordance with Ohio Revised Code Section 5709.43(D), any incidental surplus in the Fund shall be transferred to the General Fund of the City.

Section 2. The Mayor of the City, the Treasurer and the Auditor, as appropriate, are each authorized and directed to: (a) sign, deliver and file, as appropriate, any documents, certificates and agreements necessary to evidence the dissolution of the Fund and the termination of the TIF Agreement; and (b) sign any other certificates, statements, documents, agreements and instruments, and to provide and issue such notices, and take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 3. The Auditor, as fiscal officer of the City, is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

ORDINANCE NO. \_\_\_\_-07 – DISSOLUTION OF THE HERITAGE MUNICIPAL PUBLIC  
IMPROVEMENT TAX INCREMENT EQUIVALENT FUND

Section 4. Each of the covenants and obligations of the City and its officers and agents herein contained is hereby established as a duty specifically enjoined by law and resulting from an office, trust or station upon the City and its officers and agents within the meaning of Section 2731.01 of the Revised Code.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions, were in meetings open to the public, in compliance with all legal requirements including the City's Codified Ordinances and Section 121.22 of the Revised Code of Ohio.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this City and for the further reason that the prompt dissolution of the Fund will cause the prompt payment and/or reimbursement of expenditures of the City related to the Public Infrastructure Improvements and provide the General Fund of the City with additional funds for other necessary or desired purposes of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2007

Attest: \_\_\_\_\_  
Clerk of Council

Filed with  
the Mayor: \_\_\_\_\_, 2007

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2007

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Mayor, City of Parma, Ohio